

CHARGE: On 5-31-59, *Miltown tablets* were dispensed once without a prescription.

PLEA: Guilty by both defendants.

DISPOSITION: 11-18-60. Corporation—\$1,000 fine; individual—\$1,000 fine and probation for 6 months.

6358. (F.D.C. No. 44656. S. Nos. 71-678/9 P.)

INFORMATION FILED: 9-1-60, N. Dist. Ga., against Georgia Drug Store, Inc., Atlanta, Ga., and Lila Callahan Gross (president).

CHARGE: Between 11-5-59 and 11-17-59, *Miltown tablets* were dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 9-27-60. Corporation fined \$300; individual placed on probation for 2 years.

6359. (F.D.C. No. 44643. S. Nos. 42-821/2 P, 42-824/5 P, 42-827 P, 71-282/3 P.)

INFORMATION FILED: 8-15-60, S. Dist. Ind., against C. Miles Wickham, t/a New Palestine Drugs, New Palestine, Ind.

CHARGE: Between 12-17-59 and 1-26-60, *meprobamate tablets* were dispensed once, and *dextro-amphetamine sulfate capsules*, *dextro-amphetamine sulfate tablets*, and *penicillin G potassium tablets* were each dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 10-28-60. \$700 fine, plus costs, 60 days in jail on each count suspended, and probation for 2 years.

6360. (F.D.C. No. 42485. S. Nos. 70-946 P, 70-948 P, 70-952 P.)

INFORMATION FILED: 3-2-60, S. Dist. Ind., against Chester Menk, t/a Shifting Sands Truck Stop, Oaktown, Ind., and Elmer Menk (an employee).

CHARGE: Between 1-19-60 and 2-3-60, *desoxyephedrine hydrochloride tablets* were dispensed 3 times without a prescription.

PLEA: Guilty by Chester Menk to all counts and by Elmer Menk to 2 counts.

DISPOSITION: 6-3-60. Chester Menk—\$1,000 fine, plus costs, and 2 years in prison. 6-15-60. Elmer Menk—1 year in prison.

INDEX TO NOTICES OF JUDGMENT D.D.N.J. NOS. 6341 TO 6360

PRODUCTS

	N.J. No.		N.J. No.
Amphetamine, dextro-, sulfate		Meprobamate tablets	6357-6359
capsules	6359	Miltown tablets	6357, 6358
tablets	6350, 6356, 6359	Penicillin tablets	6356
sulfate capsules	6342	G potassium tablets	6359
tablets	6341-6353	Pentobarbital sodium capsules	6354, 6355
Desoxyephedrine hydrochloride		Sulfisoxazole tablets	6354
tablets	6347, 6351, 6360		
Dextro-amphetamine sulfate cap-			
sules	6359		
tablets	6350, 6356, 6359		

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

6361-6380

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, by consent, or by summary judgment and in which, in one case, a decree of condemnation and permanent injunction was entered by consent, and (2) a criminal proceeding terminated upon a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., June 8, 1961.

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*For drug in violation of prescription labeling requirements, see No. 6366; an imitation of another drug, No. 6367; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 6367, 6368; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 6367, 6376.

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN D.D.N.J. NOS. 6361-6380**

Adulteration, Section 501(a) (1), the article consisted in part of a filthy substance; and Section 501(c), the article was not subject to the provisions of Section 501(b), and its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess.

Misbranding, Section 502(a), the labeling of the article was false and misleading; Section 502(b), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents; Section 502(f), the labeling of the article failed to bear (1) adequate directions for use, and (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; Section 502(i) (2), the article was an imitation of another drug; Section 502(j), the article was dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling; Section 502(l), the article was composed wholly or in part of penicillin, or chloramphenicol, and was not from a batch with respect to which a certificate or release had been issued pursuant to Section 507; and Section 503(b) (4), the article was a drug subject to Section 503(b) (1), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

New-drug violation, Section 505(a), the article was a new drug within the meaning of Section 201(p), which was introduced into interstate commerce, and an application filed pursuant to Section 505(b) was not effective with respect to such drug.

**DRUG AND DEVICE ACTIONABLE BECAUSE OF POTENTIAL DANGER
WHEN USED ACCORDING TO DIRECTIONS**

DEVICE FOR HUMAN USE

6361. Thiede's head harness. (F.D.C. No. 44757. S. No. 18-041 R.)

QUANTITY: 2 devices at Billings, Mont.

SHIPPED: About March 1959, from Idaho Falls, Idaho, by Thiede Enterprise, Inc.

LABEL IN PART: "Thiede's Stretch to Health Head Harness Company, Idaho Falls, Idaho."

ACCOMPANYING LABELING: Pamphlet entitled "A Simple Improved Method for Vertebral Traction."

RESULTS OF INVESTIGATION: The article consisted of a head harness and accessories intended for supporting the head while the rest of the body would dangle, thus pulling on the neck muscles.

LIBELED: 7-27-60, Dist. Mont.

CHARGE: 502(j)—when shipped, the article was dangerous to health when used as directed in its labeling.

DISPOSITION: 8-23-60. Default—destruction.

DRUG FOR VETERINARY USE

6362. Black Widow Smear (veterinary). (F.D.C. No. 44705. S. No. 19-184 R.)

QUANTITY: 6 16-oz. jars, 10 32-oz. jars, and 4 1-gal. jars at Artesia, N. Mex.